

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

<b>BLAKE MAISLIN</b> as Administrator of the <b>ESTATE OF GLENARA</b> <b>BATES, et al.,</b>	:	Case No.: <b><u>1:15-cv-00798-TSB-KLL</u></b>
	:	
	:	U.S. District Judge: <b>Timothy S. Black</b>
	:	
Plaintiffs,	:	Mag. Judge: <b>Karen L. Litkovitz</b>
	:	
vs.	:	<b><u>PLAINTIFFS' MOTION FOR ENTRY</u></b>
	:	<b><u>OF DEFAULT AGAINST</u></b>
<b>HAMILTON COUNTY</b>	:	<b><u>DEFENDANTS ANDREA BRADLEY</u></b>
<b>DEPARTMENT OF JOB AND</b>	:	<b><u>AND GLEN BATES</u></b>
<b>FAMILY SERVICES, et al.,</b>	:	
	:	
Defendants	:	

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**NOW COME** Plaintiffs Blake R. Maislin, Administrator of the Estate of Glenara Bates, et.al., by and through undersigned counsel, and hereby apply for Default Judgment against Defendant Andrea Bradley and against Defendant Glen Bates, pursuant to Fed. R. Civ. P. 55. A concise memorandum in support of this Motion follows, to which this Court's attention is respectfully drawn.

Respectfully Submitted,

**/s/ Blake R. Maislin**  
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**Randy A. Byrd (OH Bar# 0041292)**  
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*Counsel for Plaintiffs, Blake Maislin, et al.*

## **MEMORANDUM**

### **A. Standard for Entry of Default**

Pursuant to Fed. R. Civ. P. 55(a), prior to seeking a default judgment, Plaintiffs must first obtain an Entry of Default as delineated in Rule 55(a). *United Coin Meter Co. v. Seaboard Coastline R.R.*, 705 F.2d 839, 844 (6<sup>th</sup> Cir. 1983); *Brantley v. Runyon*, No. C-1-96-842, 1997 WL 373739, at \*1 (USDC, S.D. Ohio, June 19, 1997)

Upon a party's default, the well-pleaded allegations of the complaint related to liability are taken as true. See *Antoine v. Atlas Turner, Inc.*, 66 F.3d 105, 110-11 (6<sup>th</sup> Cir. 1995). See also *Trice v. Lake & Country Real Estate*, No. 86-1205, 1987 WL 38852, at \*2 (6<sup>th</sup> Cir. Oct. 29, 1987) (citing *Dundee Cement Co. v. Howard Pipe & Concrete Prods.*, 722 F.2d 1319, 1323(7<sup>th</sup> Cir. 1983)).

### **B. Procedural History**

The Complaint for this wrongful death/civil rights matter was filed on December 16<sup>th</sup>, 2015. The docket of this Court reflects that Defendant Andrea Bradley was duly served with Summons and Complaint on January 27, 2017, when she was incarcerated at the Hamilton County Justice Center, under inmate ID # 1563103. [See Doc. #64]. Defendant Glen Bates was duly served with Summons and Complaint via Certified U.S. mail service, return receipt requested at the Chillicothe Correctional Institution, on January 30, 2017, where he was incarcerated. [See Doc. #65].

02/07/2017	<a href="#">64</a>	SUMMONS Returned Executed as to Defendant Andrea Bradley. Andrea Bradley served on 1/27/2017, answer due 2/17/2017. (jlw) (Entered: 02/07/2017)
02/07/2017		Notice of Correction re: <a href="#">63</a> Notice (Other), This document was filed incorrectly. It appears to be a summons returned executed. Clerk refiled using correct category, and restricted <a href="#">63</a> to court users only. (jlw) (Entered: 02/07/2017)
02/07/2017	<a href="#">65</a>	SUMMONS Returned Executed as to Defendant Glen Bates. (Attachments: # <a href="#">1</a> Summons Form Proof of Service, # <a href="#">2</a> Exhibit Domestic Return Receipt) (Byrd, Randy) (Entered: 02/07/2017)

Neither Defendant Andrea Bradley nor Defendant Glen Bates have filed any response to the Complaint. Accordingly, Plaintiffs are entitled to an Entry of Default against each Defendant Andrea Bradley and Defendant Glen Bates, pursuant to Fed.R.Civ.P. 55(a).

**C. Relief Requested**

Based upon the foregoing analysis, Plaintiffs request that this Court grant the Plaintiffs an Entry of Default against **each Defendant, Andrea Bradley and Glen Bates, pursuant to Fed. R. Civ. P. 55(a).**

Respectfully Submitted,

**/s/ Blake R. Maislin**

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*Counsel for Plaintiffs, Blake Maislin, et al.*

**CERTIFICATE OF SERVICE**

I hereby certify that on this **21<sup>st</sup>** day of **March, 2019**, I have filed the foregoing **Plaintiffs' Motion for Entry of Default against Defendants Andrea Bradley and Glen Bates** through the Clerk of the United States District Court's CM/ECF electronic filing system, which will serve all parties and counsel of record, who have appeared, including those listed below and constitutes sufficient service by rule. Further, I have served the following parties via regular U.S. mail service, postage prepaid, on this **21<sup>st</sup>** day of **March 2019**:

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**Michael G. Florez**

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